

MINUTES

APPOMATTOX COUNTY PLANNING COMMISSION MEETING BOARD OF SUPERVISORS MEETING ROOM APPOMATTOX, VIRGINIA

Wednesday, September 9, 2020

Members Present: (Quorum)

George Almond (Chair)
Earl Dickerson
Annie Trent
Sarah Blackwell
Al Sears
Steve Conner
Joshua Mills

Members Absent:

Also Present:

Johnnie Roark, Director of Community Development

Mr. George Almond, Chairman called the meeting to order at 6:00 p.m.

Mr. Almond determined there was a quorum and circulated the attendance sheet.

Review/Approval of Minutes

Mr. Earl Dickerson motioned, with a second by Ms. Annie Trent, to approve the August 12, 2020 minutes. The motion carried unanimously.

Public Hearing

Amendment to the Zoning Ordinance-Abattoir

A citizen request (Mr. Robbie Lewis) has been received to add the land use category “Abattoir” to the Zoning Ordinance. The land use category is not defined at this time. The summary of changes is as follows:
Text Amendment to Article 1, Administration §19.6-12 Definitions, to add a definition for “Abattoir”. The term is defined as “a building or structure where livestock is slaughtered and prepared for distribution to butcher shops or retail sales establishments such as grocery stores. A slaughterhouse is designed to accommodate the confinement and slaughtering of live animals and may include packing, treating, storage, or sale of the product on the premises.”

Text Amendment to Article VII, District Regulations, §19.6-67, A-1, Agricultural Zoning District, Subsection C, add “Abattoir” as a conditional use.

Mr. Almond opened the public hearing and asked if anyone would like to speak for or against the amendments.

Hearing none, Mr. Almond closed the public hearing.

Mr. Almond asked if any Commissioners had comments or questions. Mr. Conner and Mr. Dickerson spoke about the land use in comparison to other agricultural uses versus industrial uses. Mr. Al Sears asked staff to review the information in the packet detailing how the use is handled in other localities. Staff noted how Campbell, Amherst, Bedford, Prince Edward, and Charlotte Counties handle the use. Mr. Sears stated that it appears that our approach would be similar to the surrounding counties. A general discussion by the Planning Commissioners continued regarding the use in agricultural areas.

Mr. Dickerson motioned, with a second by Mr. Joshua Mills to recommend to the Board of Supervisors approval of the text amendments adding a definition for “Abattoir” and adding the land use to the A-1 zoning district as a conditional use as presented. The motion carried unanimously.

New Business

Work Session-Zoning Ordinance Amendment-Section 19.6-97.2 (2) Visual Impacts, Setbacks, and Buffering related to Utility-Scale Solar Energy Farms

At the August 17, 2020 meeting of the Board of Supervisors, the Board requested that the Planning Commission re-examine the setbacks for utility-scale solar energy farm projects. After adopting the new ordinance in June, 2020, concerns have been raised about the restrictive nature of the combination of the setback from the property lines and the setback from streams.

Staff provided an overview of the request from the Board of Supervisors. Staff noted that when the ordinance was originally developed, the setback discussion started at 75 feet from the property line with the Planning Commission having the ability to increase the setback to 100 feet in sensitive areas (near residential, cultural, historical or recreational areas). There was no limit on how close the arrays or equipment could be to a creek or stream. Mr. Roark continued stating that as the Planning Commissioner’s discussion progressed through last fall, the language was changed by the Commission to the current 500 feet from property lines and 500 feet from creeks/streams. The discussion revolved around three factors; 1) protecting adjoining property owners, especially residential dwellings, 2). visual impacts from adjoining roadways, and 3). environmental protections for creeks/streams.

Staff prepared a worksheet showing how several other localities have approached setbacks for utility-scale solar energy farms. The setback from property lines in the Appomattox County Zoning Ordinance is more than double that of most localities, most of the time it is three or four times greater. Mr. Roark noted that Powhatan County’s setback in the closest to Appomattox County’s setback. Staff did not find any other ordinance that specifically places a setback from streams/creeks in their ordinance, however, in discussions with other area planning staff, there does appear to be one or two counties with some form of setback from creeks/streams. Mr. Roark stated that a suggestion has been made to follow closely with the setback found in the DEQ regulations for biosolids. Mr. Roark finished by stating that when analyzing the setback issue, it becomes apparent that the nature these projects is to have multiple large parcels under contract. This creates a situation where the developer must meet the setback from many “interior” property lines as well as the “outer” property lines that serve as the project boundary. Throw in the setback from creeks/streams and some large parcels suddenly have a very limited amount of usable land.

The Planning Commission members held a general discussion regarding the information provided by staff. Members felt the need to make an adjustment and continued to discuss several options for alleviating this issue.

Mr. Sears motioned to advertise for public hearing to amend Section 19.6-97.2 (2) to reduce the setback from 500 feet from all property lines to 125 feet from the front property line, 50 feet from the sides, and 75 feet from the rear property line. The motion failed for lack of a second.

Ms. Blackwell motioned, with a second by Mr. Sears to advertise for public hearing to amend Section 19.6-97.2 (2) to reduce the setback from 500 feet from all property lines to a minimum of one hundred (100) feet, as measured from the property lines external to the project. Property lines internal to the project do not require a setback. The motion carried 6-1 (Conner dissenting).

The discussion then turned towards the setback requirement from creeks/streams. There was a brief general discussion about the DEQ standards for biosolids.

Mr. Conner motioned to advertise for public hearing to amend Section 19.6-97.2 (2) to reduce the setback from creeks/streams from 500 feet to 100 feet from the edge of the creek/stream. The motion failed for lack of a second.

Mr. Dickerson motioned with a second by Ms. Blackwell to advertise for public hearing to amend Section 19.6-97.2 (2) to reduce the setback from creeks/streams from 500 feet to 50 feet from the edge of water for any stream, creek, pond, lake, or wetland. The motion carried unanimously.

Informational Items

Mr. Roark noted that an additional zoning ordinance amendment may be coming up at the next meeting. Mr. Roark also noted that the Planning Commission would soon start to see information on the review of the Comprehensive Plan.

Adjournment

Having no further business, Mr. Almond asked for a motion to adjourn.

Mr. Mills motioned, with Mr. Dickerson seconding, that the meeting be adjourned. The motion carried unanimously. The meeting adjourned at 6:50 p.m.

Approved As Written,

George Almond, Chairman
Appomattox County Planning Commission

Attest:

Johnnie Roark, Clerk
Director of Community Development